

CHAPTER NO. 708

HOUSE BILL NO. 2783

By Representatives Fowlkes, Black, Lois DeBerry, John DeBerry, Mike Turner, Hood, Lynn, Kernell, Brown, Dunn, Towns, Harwell, Henri Brooks, Shepard, Sontany, Hagood, Gresham, Ulysses Jones, Bowers, Larry Turner, DuBois, Harry Brooks, McMillan, Miller, Phillip Johnson, Baird, Pleasant, Coleman, Todd, Armstrong, Tindell, Langster, Brenda Turner, Marrero

Substituted for: Senate Bill No. 2743

By Senators Trail, Kurita, Graves

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 6, Part 23, relative to nutrition standards in schools.

WHEREAS, as Tennessee has epidemic proportions of childhood obesity, one of the highest rates of pediatric obesity, one of the highest rates of childhood Type II diabetes, and one of the highest rates of heart disease in the United States; and

WHEREAS, Congress has introduced the Improved Nutrition and Physical Activity Act (IMPACT Act) to address the overall concern with the obesity epidemic in the United States and in particular, the need to educate youth about good nutrition, healthy eating habits, and the importance of physical activity; and

WHEREAS, the United States Surgeon General in 2001 issued a report entitled "The Surgeon General's Call to Action to Prevent and Decrease Overweight and Obesity," in which he listed the treatment and prevention of obesity as a national priority, and the United States department of agriculture (USDA) issued a report to Congress in which it recognized that food without regulated nutrition standards are low in nutrient density and are relatively higher in fat, added sugar, and calories; now, therefore

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE.

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 23, is amended by adding the following as a new section:

Section 49-6-2307.

(a) The state board of education, in consultation and cooperation with the department of education and the department of health, shall promulgate rules to establish minimum nutritional standards for individual food items sold or offered for sale to pupils in grades pre-kindergarten through eight (pre-K-8) through vending machines or other sources, including school nutrition programs.

(b) Such rules shall address, but shall not be limited to, the following:

(1) The establishment of minimum nutritional standards and nutritionally sound portion sizes for individual food items sold or offered for sale to pupils in grades pre-kindergarten through eight (pre-K-8) and standards governing the time, place and circumstances of any such sale or offer to sell;

(2) A requirement that a non-compliant vendor, individual, or entity shall reimburse a school nutrition program for any penalties

assessed against such school nutrition program for any violation of such rules committed by the non-compliant vendor, individual, or entity; and

(c) Nothing in this section, or any rule promulgated hereunder, shall be construed to prohibit a school nutrition program from selling or serving federally reimbursable meals to pupils in grades pre-kindergarten through eight (pre-K-8).

(d) Nothing in this section, or any rule promulgated hereunder, shall be construed to prevent a local education agency or a school from utilizing a "request for proposals" for any proposed contract for vending machines or vending services, pursuant to school board policy.

SECTION 2. The state board of education shall promulgate rules within a time frame sufficient to implement the provisions of this act for the 2005-2006 school year.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 6, 2004


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 18th day of May 2004


PHIL BREDEBEN, GOVERNOR